

REMARKS/ARGUMENTS

Rejection Under 35 U.S.C. § 112

Claims 1-36 are rejected under 35 U.S.C. § 112, second paragraph.

Applicant respectfully submits that the antecedent basis for “the equipment” was recited in the preamble of claims 1 and 25; the antecedent basis for “the automobile” was recited in the preamble of claim 12; the antecedent basis for “the equipment” (not “the automobile”) was recited in the preamble of claim 18. Claim 32 is now amended to change “the equipment” in line 4 to --the automobile--.

Rejection under 35 U.S.C. § 103

Claims 1-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Joao (U.S. Patent No. 6,347,302), in view of Büdel (U.S. Patent No. 5,711,392). Applicant respectfully traverses the rejection for the following reasons.

Claim 1 recites a method for tracking usage information for equipment comprising:

- (a) electronically periodically soliciting from a client personal usage information and business usage information for the equipment;
- (b) electronically periodically receiving and storing in a server the personal usage information and business usage information for the equipment;
- (c) compiling total usage information; and
- (d) generating a report for a reporting period by using the information received, wherein the report provides details on total personal usage information and total business usage information for the reporting period.

Joao describes an apparatus and method for providing insurance products, services and/or coverage which provides insurance coverage for protecting individuals and/or business entities from liability which may arise as the result of excess wear and tear and/or damage which may occur to a leased and/or rented entity during the lease and/or rental term, and for protecting individuals and/or business entities from liability for post-warranty repairs (column 2, lines 10-17). More particularly, Joao describes that the insurance coverage is provided based on data

and/or information related to vehicle lease including vehicle year, model, components, repair cost, replacement costs, probability of damage, probability of post-warranty repairs necessitated by wear and tear, damage, malfunctioning components, and data and/or information related to individuals and/or business entities, by region, occupation including driving habits, leasing histories which an insurer may deem necessary and/or desirable in determining whether insurance should be offered to an individual and/or business entity. Joao further provides an incentive or rebate of a portion of insurance policy's premiums and/or charges at the end of the lease term if the vehicle is returned with no and/or minimal excess wear and tear and/or with no and/or minimal damage (column 9, lines 38-43). Accordingly, Joao's system is based on up-front investigation of an individual or entity's historical data and information so as to determine whether an insurance policy should be offered to the individual or entity (see column 2, lines 50-57; column 3, lines 41-48). There is no suggestion or motivation in Joao to track usage information of equipment after the determination as to whether an insurance policy should be offered is made. Thus, Joao not only does not disclose or teach electronically periodically soliciting from a client personal usage information and business usage information for the equipment, electronically periodically receiving and storing in a server the personal usage information and business usage information for the equipment, compiling total usage information, or generating a report for a reporting period by using the information received, as recited in claim 1; but also teaches away from these features by providing an incentive at the end of the lease term. It would be a major task or setback for an insurance company to periodically soliciting or receiving from a user personal usage information and business usage information for the equipment, which is of no use to the insurance company from such solicitation.

Budel provides a device for protecting against unauthorized use of a motor vehicle by providing a transmitter which transmits for registered vehicles vehicle-specific usage authorization information in a predetermined vehicle usage area. The transmitted usage authorization information contains usage signals in the form of a signal pulse group of vehicle-specific information, with the usage signals being transmitted periodically and sequentially at predetermined time intervals (column 3, lines 34-45). Budel does not disclose or teach electronically soliciting from a client personal usage information and business usage information for the equipment, electronically periodically receiving and storing in a server the personal usage information and business usage information for the equipment, compiling total usage

information, or generating a report for a reporting period by using the information received, as recited in claim 1. In fact, the usage signals are sent to the client/vehicle, not soliciting from the client. Thus, Applicant respectfully submits that Budel does not disclose or teach the features recited in claim 1, and that the combination of Budel and Joao does not result in claim 1.

Further, there is no incentive or suggestion in either Joao or Budel to periodically soliciting from a client personal usage information and business usage information in Joao's system. Moreover, there is no suggestion nor motivation to combine Budel and Joao. Thus, Applicant respectfully submits that claim 1 patentably distinguishes over the cited references, alone or in combination.

The remaining claims also recite the features discussed above. Thus, claims 2-36 are also patentable for at least the same reasons above.

Allowable Subject Matter

Applicant has noted, with appreciation, that claims 15-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph.

Conclusion

In view of the above, it is respectfully submitted that claims 1-36 are in condition for allowance. Reconsideration of the present application and a favorable response are respectfully requested. If a telephone conference would be helpful in resolving any remaining issues, please contact the undersigned at 612-752-7367.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

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By: Min S. Xu
Min (Amy) S. Xu, Reg. No. 39,536
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, MN 55402-1498